

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGOBERTO TORRES,

Plaintiff(s),

V.

WYNN LAS VEGAS, LLC,

Defendant(s).

Case No. 2:22-cv-00999-CDS-DJA

Order

On June 27, 2022, the Court set this matter for an early neutral evaluation. Docket No. 5.

Having reviewed the parties' statements, the Court concludes that proceeding with the early neutral evaluation would be futile and hereby **VACATES** the early neutral evaluation. *See* Local Rule 16-6(c). The Clerk's Office is **INSTRUCTED** to remove this case from the ENE program and to remove the undersigned as the settlement judge in this case.

18 The Court must also express its serious concerns. Plaintiff failed at the outset to provide
19 an evaluation statement compliant with the Court's clear order. *See* Docket No. 12. Despite an
20 additional opportunity to submit a compliant statement, *see id.*, Plaintiff submitted an amended
21 statement that continued to be deficient. Most significantly, Plaintiff provided an opening offer
22 devoid of justification for the amount being demanded. *But see* Docket No. 5 at 3 ("Provide the
23 initial settlement proposal that will be presented at the early neutral evaluation *with a justification*
24 *for any monetary amount*" (emphasis added)). Such a shortcoming is particularly problematic in
25 this case because it appears (based on Plaintiff's own recitation of the pertinent circumstances)
26 that the proposed opening offer may run afoul of the requirement to attend judicial proceedings in
27 good faith. *See* Fed. R. Civ. P. 16(f)(1)(B); *see also* Docket No. 5 at 4. The Court expects

1 Plaintiff's counsel to comply strictly with all orders moving forward. Plaintiff's counsel must also
2 ensure that he is complying with his duties as an officer of the Court moving forward.

3 IT IS SO ORDERED.

4 Dated: August 26, 2022

5 
6 Nancy J. Koppe
7 United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28